

119TH CONGRESS
1ST SESSION

S. _____

To modify the information about countries exporting methamphetamine that is included in the annual International Narcotics Control Strategy Report, to require a report to Congress on the seizure and production of certain illicit drugs, to impose sanctions with respect to the production and trafficking into the United States, of synthetic opioids, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RISCH (for himself and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To modify the information about countries exporting methamphetamine that is included in the annual International Narcotics Control Strategy Report, to require a report to Congress on the seizure and production of certain illicit drugs, to impose sanctions with respect to the production and trafficking into the United States, of synthetic opioids, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLES.**

2 This Act may be cited as the “Break Up Suspicious
3 Transactions of Fentanyl Act” or the “BUST
4 FENTANYL Act”.

5 **SEC. 2. INTERNATIONAL NARCOTICS CONTROL STRATEGY**
6 **REPORT.**

7 Section 489(a) of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2291h(a)) is amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “March 1” and inserting “June 1”; and

11 (2) in paragraph (8)(A)(i), by striking
12 “pseudoephedrine” and all that follows through
13 “chemicals)” and inserting “chemical precursors
14 used in the production of methamphetamine that
15 significantly affected the United States”.

16 **SEC. 3. STUDY AND REPORT ON EFFORTS TO ADDRESS**
17 **FENTANYL TRAFFICKING FROM THE PEO-**
18 **PLE’S REPUBLIC OF CHINA AND OTHER REL-**
19 **EVANT COUNTRIES.**

20 (a) DEFINITIONS.—In this section:

21 (1) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—The term “appropriate committees of Con-
23 gress” means—

24 (A) the Committee on the Judiciary of the
25 Senate;

1 (B) the Committee on Foreign Relations of
2 the Senate;

3 (C) the Committee on the Judiciary of the
4 House of Representatives; and

5 (D) the Committee on Foreign Affairs of
6 the House of Representatives.

7 (2) DEA.—The term “DEA” means the Drug
8 Enforcement Administration.

9 (3) PRC.—The term “PRC” means the Peo-
10 ple’s Republic of China.

11 (b) STUDY AND REPORT ON ADDRESSING TRAF-
12 FICKING OF FENTANYL AND OTHER SYNTHETIC OPIOIDS
13 FROM THE PRC AND OTHER RELEVANT COUNTRIES.—
14 Not later than 180 days after the date of the enactment
15 of this Act, the Secretary of State and the Attorney Gen-
16 eral shall jointly submit to the appropriate committees of
17 Congress an unclassified written report, with a classified
18 annex, that includes—

19 (1) a description of United States Government
20 efforts to gain a commitment from the Government
21 of the PRC to submit unregulated fentanyl precur-
22 sors, such as 4-AP, to controls;

23 (2) a plan for future steps the United States
24 Government will take to urge the Government of the
25 PRC to combat the production and trafficking of il-

1 licit fentanyl and synthetic opioids from the PRC,
2 including the trafficking of precursor chemicals used
3 to produce illicit narcotics in Mexico and in other
4 countries;

5 (3) a detailed description of cooperation by the
6 Government of the PRC to address the role of the
7 PRC financial system and PRC money laundering
8 organizations in the trafficking of fentanyl and syn-
9 thetic opioid precursors;

10 (4) an assessment of the expected impact that
11 the designation of principal corporate officers of
12 PRC financial institutions for facilitating narcotics-
13 related money laundering would have on PRC money
14 laundering organizations;

15 (5) an assessment of whether the Trilateral
16 Fentanyl Committee, which was established by the
17 United States, Canada, and Mexico during the Jan-
18 uary 2023 North American Leaders' Summit, is im-
19 proving cooperation with law enforcement and finan-
20 cial regulators in Canada and Mexico to combat the
21 role of PRC financial institutions and PRC money
22 laundering organizations in narcotics trafficking;

23 (6) an assessment of the effectiveness of other
24 United States bilateral and multilateral efforts to
25 strengthen international cooperation to address the

1 PRC's role in the trafficking of fentanyl and syn-
2 thetic opioid precursors, including through the Glob-
3 al Coalition to Address Synthetic Drug Threats;

4 (7) an update on the status of commitments
5 made by third countries through the Global Coali-
6 tion to Address Synthetic Drug Threats to combat
7 the synthetic opioid crisis and progress towards the
8 implementation of such commitments;

9 (8) a plan for future steps to further strengthen
10 bilateral and multilateral efforts to urge the Govern-
11 ment of the PRC to take additional actions to ad-
12 dress the PRC's role in the trafficking of fentanyl
13 and synthetic opioid precursors, particularly in co-
14 ordination with countries in East Asia and South-
15 east Asia that have been impacted by such activities;

16 (9) an assessment of how actions the Govern-
17 ment of the PRC has taken since November 15,
18 2023 has shifted relevant supply chains for fentanyl
19 and synthetic opioid precursors, if at all; and

20 (10) the items described in paragraphs (1)
21 through (4) pertaining to India, Mexico, and other
22 countries the Secretary of State determines to have
23 a significant role in the production or trafficking of
24 fentanyl and synthetic opioid precursors for pur-
25 poses of this report.

1 (c) ESTABLISHMENT OF DEA OFFICES IN THE
2 PRC.—Not later than 180 days after the date of the en-
3 actment of this Act, the Secretary of State and the Attor-
4 ney General shall jointly provide to the appropriate com-
5 mittees of Congress a classified briefing on—

6 (1) outreach and negotiations undertaken by
7 the United States Government with the Government
8 of the PRC that was aimed at securing the approval
9 of the Government of the PRC to establish of United
10 States Drug Enforcement Administration offices in
11 Shanghai and Guangzhou, the PRC; and

12 (2) additional efforts to establish new partner-
13 ships with provincial-level authorities in the PRC to
14 counter the illicit trafficking of fentanyl, fentanyl
15 analogues, and their precursors.

16 **SEC. 4. PRIORITIZATION OF IDENTIFICATION OF PERSONS**
17 **FROM THE PEOPLE'S REPUBLIC OF CHINA.**

18 Section 7211 of the Fentanyl Sanctions Act (21
19 U.S.C. 2311) is amended—

20 (1) in subsection (a)—

21 (A) by redesignating paragraphs (3) and
22 (4) as paragraphs (4) and (5), respectively; and

23 (B) by inserting after paragraph (2) the
24 following:

25 “(3) PRIORITIZATION.—

1 “(A) DEFINED TERM.—In this paragraph,
2 the term ‘person of the People’s Republic of
3 China’ means—

4 “(i) an individual who is a citizen or
5 national of the People’s Republic of China;
6 or

7 “(ii) an entity organized under the
8 laws of the People’s Republic of China or
9 otherwise subject to the jurisdiction of the
10 Government of the People’s Republic of
11 China.

12 “(B) IN GENERAL.—In preparing the re-
13 port required under paragraph (1), the Presi-
14 dent shall prioritize, to the greatest extent prac-
15 ticable, the identification of persons of the Peo-
16 ple’s Republic of China involved in the shipment
17 of fentanyl, fentanyl analogues, fentanyl precur-
18 sors, precursors for fentanyl analogues, pre-pre-
19 cursors for fentanyl and fentanyl analogues,
20 and equipment for the manufacturing of
21 fentanyl and fentanyl-laced counterfeit pills to
22 Mexico or any other country that is involved in
23 the production of fentanyl trafficked into the
24 United States, including—

1 “(i) any entity involved in the produc-
2 tion of pharmaceuticals; and

3 “(ii) any person that is acting on be-
4 half of any such entity.

5 “(C) TERMINATION OF PRIORITIZATION.—

6 The President shall continue the prioritization
7 required under subparagraph (B) until the
8 President certifies to the appropriate congres-
9 sional committees that the People’s Republic of
10 China is no longer the primary source for the
11 shipment of fentanyl, fentanyl analogues,
12 fentanyl precursors, precursors for fentanyl
13 analogues, pre-precursors for fentanyl and
14 fentanyl analogues, and equipment for the man-
15 ufacturing of fentanyl and fentanyl-laced coun-
16 terfeit pills to Mexico or any other country that
17 is involved in the production of fentanyl traf-
18 ficked into the United States.”; and

19 (2) in subsection (c), by striking “the date that
20 is 5 years after such date of enactment” and insert-
21 ing “December 31, 2030”.

22 **SEC. 5. EXPANSION OF SANCTIONS UNDER THE FENTANYL**
23 **SANCTIONS ACT.**

24 Section 7212 of the Fentanyl Sanctions Act (21
25 U.S.C. 2312) is amended—

1 (1) in paragraph (1), by striking “or” at the
2 end;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(3) the President determines has knowingly
7 engaged in, on or after the date of the enactment of
8 the BUST FENTANYL Act, a significant activity
9 or significant financial transaction that has materi-
10 ally contributed to opioid trafficking; or

11 “(4) the President determines—

12 “(A) has received any property or interest
13 in property that the foreign person knows—

14 “(i) constitutes or is derived from the
15 proceeds of an activity or transaction de-
16 scribed in paragraph (3); or

17 “(ii) was used or intended to be used
18 to commit or to facilitate such an activity
19 or transaction;

20 “(B) has knowingly provided significant fi-
21 nancial, material, or technological support for,
22 including through the provision of goods or
23 services in support of—

24 “(i) any activity or transaction de-
25 scribed in paragraph (3); or

1 “(ii) any foreign person described in
2 paragraph (3); or

3 “(C) is or has been owned, controlled, or
4 directed by any foreign person described in sub-
5 paragraph (A) or (B) or in paragraph (3), or
6 has knowingly acted or purported to act for or
7 on behalf of, directly or indirectly, such a for-
8 eign person.”.

9 **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO**
10 **AGENCIES OR INSTRUMENTALITIES OF FOR-**
11 **EIGN STATES.**

12 (a) DEFINITIONS.—In this section, the terms “know-
13 ingly” and “opioid trafficking” have the meanings given
14 such terms in section 7203 of the Fentanyl Sanctions Act
15 (21 U.S.C. 2302).

16 (b) IN GENERAL.—The President may—

17 (1) impose one or more of the sanctions de-
18 scribed in section 7213 of the Fentanyl Sanctions
19 Act (21 U.S.C. 2313) with respect to each political
20 subdivision, agency, or instrumentality of a foreign
21 government, including any financial institution
22 owned or controlled by a foreign government, that
23 the President determines has knowingly, on or after
24 the date of the enactment of this Act—

1 (A) engaged in a significant activity or a
2 significant financial transaction that has mate-
3 rially contributed to opioid trafficking; or

4 (B) provided financial, material, or techno-
5 logical support for (including through the provi-
6 sion of goods or services in support of) any sig-
7 nificant activity or significant financial trans-
8 action described in subparagraph (A); and

9 (2) impose one or more of the sanctions de-
10 scribed in section 7213(a)(6) of the Fentanyl Sanc-
11 tions Act (21 U.S.C. 2313(a)(6)) with respect to
12 each senior official of a political subdivision, agency,
13 or instrumentality of a foreign government that the
14 President determines has knowingly, on or after the
15 date of the enactment of this Act, facilitated a sig-
16 nificant activity or a significant financial transaction
17 described in paragraph (1).

18 **SEC. 7. ANNUAL REPORT ON EFFORTS TO PREVENT THE**
19 **SMUGGLING OF METHAMPHETAMINE INTO**
20 **THE UNITED STATES FROM MEXICO.**

21 Section 723(c) of the Combat Methamphetamine Epi-
22 demic Act of 2005 (22 U.S.C. 2291 note) is amended by
23 striking the period at the end and inserting the following
24 ", which shall—

1 “(1) identify the significant source countries for
2 methamphetamine that significantly affect the
3 United States, and

4 “(2) describe the actions by the governments of
5 the countries identified pursuant to paragraph (1) to
6 combat the diversion of relevant precursor chemicals
7 and the production and trafficking of methamphet-
8 amine.”.